

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
ENTERED

SEP 11 1989

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Jesse E. Clark, Clerk
By Deputy: *E. J. ...*

FREDDIE MORGAN, ET AL

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VS.

CIVIL ACTION NOS.
H-87-0629 AND
H-80-1546
(CONSOLIDATED)

THE CITY OF HOUSTON, ET AL

NOTICE OF CLASS ACTION AND
PROPOSED SETTLEMENT

THIS NOTICE MAY AFFECT YOUR RIGHTS. PLEASE READ CAREFULLY

- TO:
- (1) All persons who are, have been at any time since two years prior to the filing of this lawsuit, or may in the future be confined to any City of Houston jail or prison facility, and who were not effectively afforded the opportunity to avail themselves of appointed counsel free of charge if they were unable to afford the cost of hiring counsel at the time of trial;
 - (2) All persons who are, have been at any time since the date of the filing of this lawsuit, or may in the future be confined in any City of Houston jail or prison facility.

Background

In 1976, suit was filed in this Court against the City of Houston and certain city officials. The suit, as amended, alleged that the named plaintiffs, in common with the class, were imprisoned for failure to pay a fine, to "serve out" the fine at a specific amount per day of imprisonment. It is further alleged that the named plaintiffs, in common with the class, were not effectively given the opportunity to show they could not afford a

lawyer; were not provided a lawyer; and were not informed of their right to defer payment rather than face immediate imprisonment.

Plaintiffs alleged these circumstances amounted to a violation of state and federal law, and plaintiffs sought declaratory and injunctive relief for themselves and the class.

The complaint further alleged, with regard to the class, that the jail conditions at the City of Houston jail facilities are unconstitutionally inadequate or substandard. Plaintiffs sought injunctive and declaratory relief for the class regarding these jail conditions.

This Court has not ruled on the merits of the claims or the defenses.

Class Certification

In 1979, this Court determined that this action may be properly maintained as a class action pursuant to Rule 23(b)(2) of the Federal Rules of Civil Procedure because (1) the class of plaintiffs is so numerous as to make joinder of all members impracticable; (2) the relevant questions of fact and law are common to the entire class of plaintiffs; (3) the claims of the class representatives are typical of the claims of all plaintiffs; (4) the class representatives will fairly and adequately protect the interests of the class; and (5) the parties opposing the class have acted or refused to act on grounds generally applicable to the class, thereby making final injunctive relief or corresponding declaratory relief appropriate.

The Court therefore certified a class of plaintiffs defined as follows:

(1) All persons who are, have been at any time since two years prior to the filing of this lawsuit, or may in the future be confined to any City of Houston jail or prison facility, and who were not effectively afforded the opportunity to avail themselves of appointed counsel free of charge if they were unable to afford the cost of hiring counsel at the time of trial.

(2) All persons who are, have been at any time since the date of the filing of this lawsuit, or may in the future be confined in any City of Houston jail or prison facility.

Settlement

Plaintiffs representatives and the City of Houston have now reached a proposed settlement of the issues involving the class.


The terms of the settlement are as follows:

- A. Medical screening and care.
1. Medical protocol and procedures will be upgraded.
 2. By the end of calendar year 1990, 24-hour per day intake medical screening will be provided all inmates and detainees.
 3. By the end of calendar year 1990, the City will have two pharmacists on 24-hour per day call in case they are needed at the city jail facilities.
 4. By the end of calendar year 1990, one physician will be on 24-hour per day call to respond to inmates' medical needs at the city jail facilities.

You need not do anything if you want to be included in the class. If you want to be included in the class, you will be represented by Stephen M. Vaughan, Attorney in Charge, Mandell & Wright, 712 Main Street, Suite 1600, Houston, Texas 77002. Phone (713) 228-1521. You may contact Mr. Vaughan at that address and telephone number if you wish to discuss the case with him or if you have any questions about the case.

Any member of the class may, if he or she desires, enter an appearance in person or through his or her own attorney. Otherwise, he or she will be represented by Stephen M. Vaughan, Attorney in Charge, Mandell & Wright, 712 Main Street, Suite 1600, Houston, Texas 77002.

The Court will hold a hearing on the settlement in open court at 2:00 o'clock p.m., on September 21, 1989, in Courtroom No. 78 2. 9th Floor, Federal Court Building, 515 Rusk Avenue, Houston, Texas 77002.


United States District Judge